

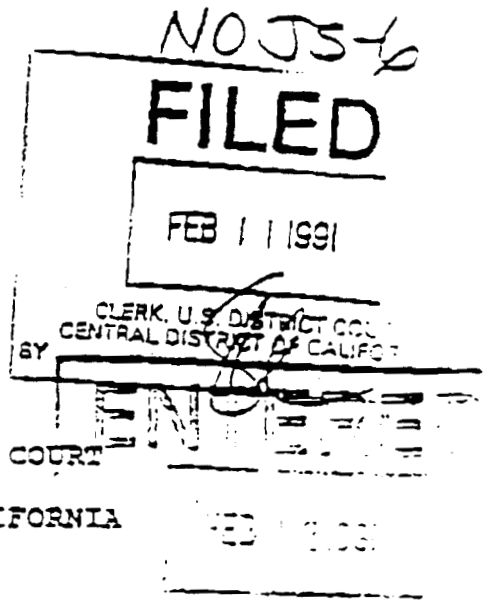
# Exhibit 4

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.,*  
Civil Action No. 01-12257-PBS

Exhibit to the United States' Common Memorandum of Law in Support of Cross-Motions for Partial Summary Judgment and in Opposition to the Defendants' Motions for Summary Judgment

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 CLERK, U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES



Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
 Plaintiff,  
 v.  
 CONSOLIDATED AERONAUTICS  
 CORP., et al.,  
 Defendant.

No. CV 90-3408-AWT(KX)

~~(PROPOSED)~~

ORDER GRANTING MOTION FOR  
PARTIAL SUMMARY JUDGMENT

The motion of plaintiff United States of America for partial summary judgment came on regularly for hearing before this Court on January 7, 1991. After considering the moving and opposition papers, arguments of counsel, and all other matters presented to the Court,

IT IS HEREBY ORDERED that the government's motion for partial summary judgment is GRANTED as to Consolidated's claim

1 that the government has a duty to mitigate damages. The court  
2 rules that, as a matter of law under the False Claims Act, the  
3 government has no legal duty to mitigate damages.

4 Except to the extent granted above, plaintiff's motion for  
5 partial summary judgment is DENIED.

6 Dated: FEB 11 1991

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8 A. WALLACE TASHIMA  
9 United States District Judge  
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